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December 12, 2012

TO: Each Health Deputy

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

Approved by Jonathan E. Fielding

SUBJECT: **CAL OSHA CITATION AND NOTIFICATION OF PENALTY**

This is to inform you of the site visit and subsequent follow-up action conducted by the State of California, Division of Occupational Safety and Health (Cal OSHA) at the Department of Public Health (DPH) Central Health Center Tuberculosis clinic.

On April 9, 2012, Cal OSHA began a review focused on the DPH Central Health Center Tuberculosis Clinic and related occupational health screening, testing and training information. Per the Cal OSHA's protocol, the specific nature of the complaint that initiated this review was not made known to DPH staff.

On October 4, 2012, DPH received a Citation and Notification of Penalty from Cal OSHA. Under their jurisdiction, Cal OSHA can issue "general" or "serious" citations based on inspections. The Citation and Notification of Penalty to DPH contained eleven "general" and two "serious" citations. It should be noted that in looking at records back to 2008, DPH Central Health Center Tuberculosis Clinic has no history of tuberculosis transmission to staff in the clinic and no documented tuberculosis test converters among staff.

DPH is taking these citations very seriously and appreciates Cal OSHA's recommendations and guidance and is taking steps to address the citations and review findings. In response to the citations, DPH staff have been meeting with Cal OSHA and providing them with documentation in support of completed or in-progress abatement efforts of cited violations. Documentation has included employee health records, training records, as well as current and revised policies and procedures, such as the revised Aerosol Transmissible Diseases Plan.

Cal OSHA has noted satisfaction with the fact that DPH is already in progress of implementing and improving many of the current policies and procedures. In particular, they have been satisfied with the new DPH Employee Health Services Program which was implemented in February 2012 and will provide improved tracking and infection control internally within DPH.

Because many improvements relative to the citations were already in progress at the time of the review, the penalties for general and serious citations were reduced by 50 percent or more of the allowable penalties. Consequently, the eleven general citations were reduced to \$800 each and the two serious citations were reduced to \$7,200 each. Therefore, the total citations amount is \$23,200. At this time, five of the general and one serious cited violations have been abated and abatement of the other six general and one serious citations are in-progress.

In addition, DPH has notified the Cal OSHA Appeals Board Office of the intent to appeal the citations. An appeal has been filed to request a 90-120 day abatement period to assure a reasonable amount of time to implement corrective actions and to request a reduction or removal of the penalties for a few citations that DPH deems are not reasonable.

In order to keep you updated on the process, we will provide another update in 60 days. In the meantime, if you have any questions or would additional information, please let me know.

JEF:dd

Attachment

c: Sheila Shima
Richard Mason
Cynthia A. Harding
Maxanne Hatch
Deborah Davenport